

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RANDY L. BROOKS,

Plaintiff,

Case No. 05-60279

v.

Honorable John Corbett O'Meara

VISTEON CORPORATION, *et al.*,

Defendants.

ORDER OF PARTIAL DISMISSAL

Plaintiff Randy L. Brooks filed a seven-count complaint in this court December 7, 2005, and an amended complaint December 28, 2005. The complaint alleges defamation, Count I; intentional infliction of emotional distress, Count II; negligent infliction of emotional distress, Count III; false arrest and imprisonment against defendant Visteon, Count IV; false arrest and imprisonment/malicious prosecution against the City of Sterling Heights and its employees, Count V; malicious prosecution against Visteon, Count VI; and deprivation of constitutional rights under 42 U.S.C. § 1983.

While alleged violations of 42 U.S.C. § 1983 are cognizable in this court pursuant to 28 U.S.C. § 1343, the remaining counts are based solely on state law. Since the parties to this matter are not diverse, this court declines to exercise supplemental jurisdiction over those claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

ORDER

It is hereby **ORDERED** that Counts I, II, III, IV, V, and VI are **DISMISSED**.

s/John Corbett O'Meara

John Corbett O'Meara

United States District Judge

Dated: January 30, 2006